INFANTS.—*Service of process on*—Whether service of process on an infant defendant is essential to jurisdiction over his person, is a question upon which there is much diversity of opinion. In some of the States it is sufficient that a guardian *ad litem* be appointed, and appear on the infant's behalf; while in others it is held that service of process is as indispensable as in case of adult defendants. In many States the subject is regulated by statute, as it is in Virginia. The Virginia statute provides that: "The proceedings in a suit wherein an infant or insane person is a party, shall not be stayed because of such infancy or insanity, but the court in which the suit is pending, or the judge thereof in vacation, shall appoint some discreet and competent attorney at law as guardian *ad litem* to such infant or insane defendant, *whether such defendant shall have been served with process or not.*" Va. Code 1887, Sec. 3255.

The Virginia Court of Appeals seems to have been of opinion that service of process was not necessary, even before this statute was adopted: *Parker v. McCoy*, 10 Gratt. 606. The Supreme Court of the United States holds, however, that no personal decree can be had against an infant, in a Federal court, without service of process, if the infant be at the time a non-resident of the State, though process be dispensed with by a statute of the State in which the court is sitting: *N. Y. etc. Ins. Co. v. Bangs*, 103 U. S. 435—a principle which is a corollary from the doctrine of *Pennoyer v. Neff*, 95 U. S. 714, and the long line of subsequent cases affirming it, that no personal judgment can in any case be entered against a non-resident, without personal service of process within the State, unless he voluntarily appears. See further on the subject of process on infants: *Valentine v. Cooley*, Meigs (Tenn.) 613—*s. c.* 33 Am. Dec. 166 and note; *Grant v. Van Schoonhoven*, 2 Pai. Ch. (N. Y.) 255—*s. c.* 37 Am. Dec. 393 and note; *Welch v. Agar*, 84 Ga. 583—*s. c.* 20 Am. St. Rep. 380; *Alston v. Emerson*, 83 Tex. 231—*s. c.* 29 Am. St. Rep. 639; 1 Black Judg. sec. 194; Tyler Inf. and Cov. p. 205 *et seq.*

NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL.—The following distinctions are to be here observed:

1. Notice *expressly given* to the agent, with the design of notifying the principal,

(a) Concerning a matter within the scope of the agent's employment;

(b) Concerning a matter beyond the scope of the agent's employment.

In the first case, the notice binds the principal, whether communicated to him or not; in the second, it does not, unless communicated.

2. Knowledge *casually acquired* by the agent, whether before or after the commencement of the agency, and not communicated to the principal:

Such knowledge affects the principal only in those matters which the agent *actually transacts for him*—and not even then unless it appear that the knowledge was *present in the mind of the agent* during the transaction to be affected by it, or was acquired so recently as to be presumed to have been in his mind at the time.

3. Again, if the agent is dealing with the principal for the agent's own benefit, and his interests are opposed to those of his principal, or he is engaged in committing a fraud on his principal, or his knowledge is of a confidential character, as between counsel and client which cannot lawfully be divulged to another client,—his knowledge (as distinguised from notice) will not be imputed to the principal.